



CITY OF MEMPHIS

COUNCIL AGENDA

July 15, 2003

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (none)

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCE - FIRST READING

1. **ORDINANCE** rezoning the west side of South Third Street (U.S. Hwy. 61); +/-368 feet north of Levi Road, containing 1.20 acres in the Single Family Residential (R-S6) District, up for F I R S T reading.

Peete

Ordinance No. 5010

Case No. Z 03-113

Applicant: Toya Sanders
Reginald Sanders - Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING (none)

ENGINEERING

2. **RESOLUTION** accepting CEDAR POINT SUBDIVISION, SECTION A and authorizing release of bond.

Case No. S 99-041cc

(Contract No. CR-4560)

Egypt

of

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Central Road, 1297.54 feet east of Coleman Road. The standard improvement contract was approved on June 20, 2000. Resolution also authorizes the release the letter of credit in the amount of \$73,900.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION approving final plat of PISGAH FOREST P.D.

Case No. PD 00-377cc

Contract No. CR-4804

Resolution approves the final plat located on the west side of Pisgah Road, north of Macon Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving final plat of RIVERWOOD FARMS P.D., PHASE 4, PART OF AREA B.

Case No. PD 91-313cc

Contract No. CR-4805

Resolution approves the final plat located east of Sanga Road, north of Macon Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving final plat of CORDOVA STATION P.D., 3RD AMENDMENT, PHASE 25.

Case No. PD 00-375

Contract No. CR-4806

Resolution approves the final plat located south of Macon Road, on the east side of Germantown Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

6. **NOTATION** from the Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 03-341 - Ware Towers Planned Development

Located on the west side of South Third Street (U.S. Hwy. 61); +/-976 feet north of Fairway Avenue, containing 3.70 acres in the Local Commercial (C-L) District

Applicant: Rev. C.E. Ware
David W. Milem, Consulting Engineers - Representative

Request: Planned development to allow a maximum of fifty-six (56) multi-family residential dwelling units for an independent senior living facility for residents fifty-five (55) years or older with associated accessory uses, including walking paths

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 5, 2003



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Council Chambers, First Floor, City Hall
125 N. Main Street
Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

7. RESOLUTION declaring Tuesday, July 15, 2003 as "April Sutherland Appreciation Day."

Mitchell

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION commemorating the life of Lt. Trent Kirk.

Lowery

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION commemorating the life of Pvt. Charles Zachary.

Lowery

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION commemorating the life of Mr. Percy Lee White.

Lowery

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION recognizing Buehler Enterprises for their dedication to the Memphis Community.

Vander Schaaf

ACTION REQUESTED: Adopt the resolution

ENGINEERING DIVISION

12. RESOLUTION appropriating the sum of \$712,000.00 funded by G.O. Bonds General to continue the implementation of the Urban Art Plan, Project Number EN004 chargeable to FY 2004 Capital Improvement Budget.

Mitchell

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION

13. RESOLUTION appropriating \$275,000.00 funded by G.O. Bonds General for the purchase of a Patient Information Management System for the Memphis and Shelby County Health Department's (The Health Loop) Primary Care Clinics.

Brown

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION appropriating \$13,472.00 funded by G.O. Bonds General for the purchase of a Labgem Upgrade for the Memphis and Shelby County Health Department's Laboratory Information Management System.

Brown

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION appropriating \$16,218.00 funded by G.O. Bonds General for Forensic Center Renovation, CIP Project Number GA051.
Brown

ACTION REQUESTED: Adopt the resolution

16. RESOLUTUIION appropriating \$7,520.00 funded by G.O. Bonds General for Laboratory Renovation and Upgrade at 814 Jefferson, CIP Project Number GA019.
Brown

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION appropriating \$50,000.00 funded by G.O. Bonds General for renovation of Memphis and Shelby County Health Department's Office space at 1075 Mullins Station Road.
Brown

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

18. RESOLUTION canceling taxes in the amount of \$1,487.74 on property located at 686 Provine, Greater Beulahland Missionary Baptist Church, Parcel number 014006 for tax years 2001 and 2002.
00009
Vander Schaaf

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

19. RESOLUTION requesting funding of \$10,000.00 for the Memphis Firefighters Sports Association. (Held from 7/1)
Jones

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION appropriating \$848,340.00 for the purchase of one (1) new 100' articulating aerial truck chargeable to FY 2004 Capital Improvement Budget.
Mitchell

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

21. RESOLUTION authorizing acquisition of property by condemnation for improvement of the Black Bayou Drainage District, Plat 2 of 2, Project No. PW437.
Jones

Resolution authorizes acquisition by condemnation of property containing 500 square feet for a drainage easement over and across property known as 851 Brower. Said easement is located 200 feet west of Brower Street, east of and adjacent to the property owner's west property line. All attempts to purchase have failed and property is needed for improvements. Resolution provides that a total of \$300.00 be deposited with the Circuit Court Clerk, pending completion of the suit or settlement by the parties.

General Services Director and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

22. RESOLUTION transferring and appropriating \$70,000.00 funded by G.O. Bonds General for the rehabilitation of 314 units of affordable multi-family housing known as Southern Pines/Oak Run Apartments.
Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK COMMISSION

23. RESOLUTION appropriating \$1,282,000.00 in G.O. Bonds General for Martin Luther King Park, CIP Project Number PK005.(Held from 5/20; 6/3; 6/17)

Vergos

Bids were taken on April 25, 2003 with the lowest and best bid of nine bidders being from Grinder Building Corporation for the construction of King Riverside Golf Clubhouse.

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION transferring and appropriating \$294,300.00 in construction funds, funded by G.O. Bonds General to Aquatic Facilities Major Maintenance, CIP Project Number PK128 for renovations at L.E. Brown, Gaisman, Tom Lee and Riverview Aquatic Centers.

Vergos

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION approving completion of plans and specifications and taking of bids for Gooch Park Improvements at an estimated cost of \$400,000.00. Project Number PK204.

Vergos

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION approving completion of plans and specifications and taking of bids for Malone Park Improvements at an estimated cost of \$105,000.00, Project Number PK205.

Vergos

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION appropriating \$306,817.00 in G.O. Bonds General for improvements at Avon Park, CIP Project Number PK174.

Vergos

The Council of the City of Memphis did include Avon Park, CIP Project Number PK174 as part of the Fiscal Year 2004 Capital Improvement Budget. A bid amount of \$284,090.00 and contingency allowance of \$22,727.00 makes this a total appropriation of \$306,817.00.

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION approving completion of plans and specifications and taking of bids for Skinner Center Pool Renovation at an estimated cost of \$200,000.00, CIP Project Number PK128.

Vergos

The Council of the City of Memphis did include Skinner Center Pool Renovation, CIP Project Number PK128 as part of the Fiscal Year 2004 Capital Improvement Budget. Resolution states the Administration is required to present a preliminary design to the appropriate Council Committee.

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION appropriating \$2,339,896.00 fund by G.O. Bonds General, chargeable to the Fiscal Year 2004 Capital Improvement Budget for Whitehaven Neighborhood Center Golf Course Development, CIP Project Number Pk141.

Vergos

Bids were taken on June 13, 2003 with the best low bid of seven bids being from Landscapes Unlimited, LLC.

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICE (none)

DIVISION OF PUBLIC WORKS

30. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$82,176.00 in Sewer Funds from Service to Unsewered Area, Project Number SW038 to 3925 Old Coleman Road Sewer Extension, Project Number SW134 for construction contract with Argo Construction.

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES -THIRD AND FINAL READING

31. **ORDINANCE** to annex Bridgewater area A, up for T H I R D and F I N A L reading. (Held from 11/26; 12/3; 12/17; 1/7; 1/21; 2/18; 3/4; 5/6;5/20; 6/3)
Peete Ordinance No. 4979

ACTION REQUESTED: Take whatever action Council deems advisable

32. **ORDINANCE** to annex Bridgewater area B, up for T H I R D and F I N A L reading. (Held from 11/26; 12/3; 12/17; 1/7; 1/21; 2/18; 3/4; 5/6;5/20; 6/3)
Peete Ordinance No. 4979A

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCES - THIRD AND FINAL READING

33. **ORDINANCE** rezoning the north of Shelby Farms between Summer Avenue on the west, Berryhill Road on the east and Memphis Arlington Road on the north, up for T H I R D and F I N A L reading.
Peete Ordinance No. 5007
Case No. Z 03-109cc
(Companion Cases STA 03-001cc& ZTA 03-001cc)

Applicant: Office of Planning and Development & City/County Public Works
Mary Baker/Jerry Collins- Representatives

Request: (1) To amend various sections of the Memphis and Shelby County Zoning Ordinance and Subdivision Regulations to create an overlay district for the Fletcher Creek Basin
(2) Designate the area within the Fletcher Creek Drainage Basin as
the Fletcher Creek Drainage Basin (FCD) Overlay District.

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

34. **ORDINANCE** rezoning the north of Shelby Farms between Summer Avenue on the west, Berryhill Road on the east and Memphis Arlington Road on the north, up for T H I R D and F I N A L reading.
Peete Ordinance No. 5008
Case No. STA 03-001cc
(Companion Cases ZTA 03-001cc & Z 03-109cc)

Applicant: Office of Planning and Development & City/County Public Works
Mary Baker/Jerry Collins- Representatives

Request: (1) To amend various sections of the Memphis and Shelby County
Zoning Ordinance and Subdivision Regulations to create an overlay
district for the Fletcher Creek Basin
(2) Designate the area within the Fletcher Creek Drainage Basin as
the Fletcher Creek Drainage Basin (FCD) Overlay District.

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

35. **ORDINANCE** rezoning the north of Shelby Farms between Summer Avenue on the west,
Berryhill Road on the east and Memphis Arlington Road on the north, up for T H I R D and
F I N A L reading.

Peete Ordinance No. 5009
Case No. ZTA 03-001cc
(Companion Cases STA 03-001cc & Z 03-109cc)

Applicant: Office of Planning and Development & City/County Public Works
Mary Baker/Jerry Collins- Representatives

Request: (1) To amend various sections of the Memphis and Shelby County
Zoning Ordinance and Subdivision Regulations to create an overlay
district for the Fletcher Creek Basin
(2) Designate the area within the Fletcher Creek Drainage Basin as
the Fletcher Creek Drainage Basin (FCD) Overlay District.

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

DIVISION OF PLANNING & DEVELOPMENT

36. RESOLUTION adopting a Plan of Services for the Bridgewater Annexation Area A.
(Held from 2/17; 1/7; 1/21; 2/18; 3/4; 5/6;5/20; 6/3).

Peete

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION adopting a Plan of Services for the Bridgewater Annexation Area B.
(Held from 2/17; 1/7; 1/21; 2/18; 3/4; 5/6;5/20; 6/3).

Peete

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

38. RESOLUTION approving a planned development located on the east side of East Oak
Side Drive, ±678 ft. northeast of its intersection with Oak Shade Cove, containing 8.61
acres in the Townhouse Residential (R-TH) District. (Held from 5/6;5/20; 6/17)

Peete Case No. PD 03-305

Applicant: Habitat for Humanity
Cara Lee, The Pickering Firm, Inc. – Representative

Request: 47 Single-Family Residences on 47 lots at least 6,000 sq. ft. in size

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

76 NOTICES MAILED ON APRIL 17, 2003

39. RESOLUTION approving a public hearing located on the south side of Macon Road; south of the terminus of Far Drive, containing 44.34 acres in Parcel 9 of the Woodland Hills P.D. (Parcel 9 permits multi-family residential)

Peete

Case No. PD 03-322cc

Applicant: Ethridge Enterprises

Fisher & Arnold, Inc. - (Jud Te Paske) - Representative

Request: A maximum of 67 Single Family Residential (minimum lot size 6,000 square feet)

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

70 NOTICES MAILED ON JULY 3, 2003

40. RESOLUTION approving a planned development located on the east side of Ragan Street at the Ethlyn and Gold Intersections, containing 10.7 acres in the Heavy Industrial (I-H) District.

Peete

Case No. PD 03-323

Applicant: Cane Creek Crossing, L.P.
Stephen Turgeon & J. Gordon Hollingsworth
(Capital Partners) - Representative

Request: A 125-unit apartment complex with fence and gate, consisting of two-story building with pitched roofs

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

96 NOTICES MAILED ON JULY 3, 2003

41. RESOLUTION approving a planned development located on the southeast corner of Jackson Avenue and Hollywood Street, containing 1.69 acres in the Duplex Residential (R-D) and Highway Commercial (C-H) District.

Peete

Case No. PD 03-330

Applicant: RFM Development
Askew Hargraves Harcourt & Associates, Inc. - Representative

Request: Planned development to allow a Planned Commercial (C-P) retail use for a new Walgreen's Drug Store

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

161 NOTICES MAILED ON JULY 3, 2003

42. RESOLUTION approving a street/alley closure located 149+ feet north of Chelsea Avenue; between May Street and Davis Street.

Peete

Case No. SAC 03-601

Applicant: Chelsea Express, Inc.
Tim McCaskill - Representative

Request: Close and Vacate Alley Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

28 NOTICES MAILED ON JULY 3, 2003

ADJOURNMENT